

Notice of Allowability

Application No.

10/823,942

Examiner

Susan W. Berman

Applicant(s)

CHAMBERS ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 12/27/2005.
2. ☒ The allowed claim(s) is/are 2-6, 10-13, 16-21, 24, 25 and 29-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven T. Solomon on March 15, 2006.

The application has been amended as follows:

In each of claims 2-6, 10-13, 16-17, 24 and 25, change the claim status indicator from "withdrawn" to "currently amended".

Claim 13, line 2, change the first occurrence of "compound" to "composition".

Claim 6, line 4, after "organo groups" insert --and n is greater than or equal to zero--.

Claim 19, in line 4, after "organo group", delete "and".

Claim 19, line 5, after "structure" insert --and n is greater than or equal to zero--.

Claim 29, in line 4, after "organo group", delete "and".

Claim 29, line 5, after "structure" insert --and n is greater than or equal to zero--.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Claim 18 has been amended to set forth silicone compounds having terminal vinyl functionality that is not in the form of a (meth)acrylic group. The disclosure is considered to provide support for this limitation because the disclosed polysiloxanes having vinyl functionality clearly are not acrylated. Claims 2-6, 10-13, 16-17, 24 and 25 have been amended to depend from claim 18 and are hereby rejoined with the elected claims.

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Claims 6, 19 and 29 have been amended to define “n” in the formulas set forth, as agreed in the above telephone interview on March 15, 2005. The basis in the specification for the amendment is found in the disclosure on page 6 that “n” represents the degree of polymerization in the formulas, thus providing an implicit disclosure that n can be zero or an integer greater than zero, but not a negative integer.

The prior art of record and otherwise known to the Examiner discloses compositions comprising mercapto-functional polysiloxanes and vinyl terminated polysiloxanes that are thermally curable or photocurable.

DeGroot, Jr. (5,990,223), considered to be the closest prior art, discloses polysiloxanes that can vinyl groups and small proportions of oximo groups and that can be crosslinked with an organohydrogensiloxane crosslinker (column 6, lines 1-66). DeGroot, Jr. does not suggest substituting a mercapto-functional polysiloxane for the organohydrogensiloxane crosslinker. The disclosure of Bergstrom et al (6,384,125) is cumulative of DeGroot, Jr.

Bosch et al (4,399,267) disclose moisture curing organopolysiloxanes having retarded skin formation. The compositions comprise a diorganopolysiloxane having condensable groups, a silicon compound having oxime groups and a thiol containing silane or siloxane.

Jacobine et al (4,952,711) disclose compositions comprising acrylate-functional polysiloxanes and thiol-functional polysiloxanes.

The substitute Specification and Abstract have been entered.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W. Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB
3/15/06



Susan W Berman
Primary Examiner
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